

PROPOSED AGREED ORDER

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA: NORFOLK DIVISION**

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IN THE MATTER OF COEYMANS MARINE TOWING,
LLC D/B/A CARVER MARINE TOWING AS OWNER
AND OPERATOR OF M/T MACKENZIE ROSE, (IMO
NO. 8968765), HER CARGO, ENGINES, BOILERS,
TACKLE, EQUIPMENT, APPAREL, AND
APPURTENCES, ETC., IN REM (“M/T MACKENZIE ROSE”)
PETITIONING FOR EXONERATION FROM
OR LIMITATION OF LIABILITY IN ALLISION WITH
NORFOLK AND PORTSMOUTH BELT LINE
RAILROAD COMPANY MAIN LINE RAILROAD
BRIDGE (THE “BRIDGE”) OCCURING JUNE 15, 2024
IN AND ABOUT THE ELIZABETH RIVER, VIRGINIA

Case No. 2:24-cv-490

In Admiralty

AGREED ORDER

Subject to any motions now pending, Petitioner Coeymans Marine Towing, LLC dba Carver Marine Towing (“Carver Marine”) and Claimants Norfolk and Portsmouth Belt Line Railroad Company (“Belt Line”) and Evanston Insurance Company, upon their joint request to modify the discovery schedule set forth in the Rule 16(b) Scheduling Order [Doc. 56], as set forth below, the Court ORDERS as follows:

1. Paragraph 2 of the Court’s Rule 16(b) Scheduling Order (“Scheduling Order”) [Doc. 56] is amended as follows.

2. The party having the burden of proof upon the primary issue to which potential Rule 702, 703 or 705 evidence is directed shall identify expert witnesses to be proffered upon such an issue by name, residence and business address, occupation and field of expertise on **June 4, 2025**. The disclosure outlined in Rule 26(a)(2)(B) shall be made on **July 2, 2025**. In addition to the disclosures required by Rule 26(a)(2)(B), the same disclosure shall be made on the same dates regarding all witnesses proffered by a party for the purpose of presenting evidence under Rules 702, 703 or 705 of the Federal Rules of Evidence, whose first direct contact with the

case or the parties occurred subsequent to the filing of this action. Rule 702, 703 or 705 disclosures intended solely to respond to, contract or rebut evidence on the same subject matter disclosed by another party pursuant to paragraph (a)(2)(B) of Rule 26, or pursuant to this order, shall be made on August 8, 2025. Any rebuttal disclosure by the party bearing the initial burden of proof shall be made on August 22, 2025, and shall be limited as to the source to expert witnesses previously identified. Further rebuttal to rule 702, 703 or 705 evidence shall be permitted only by leave of court.

3. Except for the foregoing, no other changes are made to the Rule 16(b) Scheduling Order [Doc. 56].

Mark S. Davis
Chief Judge
United States District Court

Seen and Agreed:

s/ Mark C. Nanavati

Mark C. Nanavati, Esq. (VSB No.: 38709)
G. Christopher Jones, Jr., Esq. (VSB No.:
82260)

SINNOT, NUCKOLS & LOGAN, P.C.

13811 Village Mill Drive

Midlothian, Virginia 23114

(804) 893-3866 (Nanavati)

(804) 893-3862 (Jones)

(804) 378-2610 (Facsimile)

mnanavati@snllaw.com

cjones@snllaw.com

Counsel for Evanston Insurance Company

a/s/o Norfolk and Portsmouth Belt Line

Railroad Company

s/ Zachary M. Jett

Zachary M. Jett, Esq. (VSB #93285)

BUTLER WEIHMULLER KATZ, et al

11525 North Community House Road

Suite 300

Charlotte, North Carolina 28277

(704) 543-2321 (Telephone)

(704) 543-2324 (Facsimile)

zjett@butler.legal

Counsel for Evanston Insurance Company,

a/s/o Norfolk and Portsmouth Belt Line

Railroad Company

s/ James L. Chapman IV

James L. Chapman, IV, VSB No. 21983

s/ Harold L. Cohen

Harold L. Cohen (VSB No. 98148)

W. Ryan Snow, VSB No. 47423
Mackenzie R. Pensyl VSB No. 100012
CRENSHAW, WARE & MARTIN, P.L.C.
150 W. Main Street, Suite 1923
Norfolk, Virginia 23510
Telephone (757) 623-3000
Facsimile: (757) 623-5735
jchapman@cwm-law.com
wrsnow@cwm-law.com
mpensyl@cwm-law.com
*Attorneys for Norfolk and Portsmouth Belt
Line Railroad Company*

CLYDE & CO US LLP
1221 Brickell Avenue, Suite 1600
Miami, FL 33131
Tel: 305-446-2646
Fax: 305-441-2374
Email: harry.cohen@clydeco.us
*Counsel for Coeymans Marine Towing LLC
d/b/a Carver Marine Towing*

s/ James H. Rodgers
James H. Rodgers, *Pro Hac Vice*
Clyde & Co US LLP
45 Lexington Avenue, 16th Floor
New York, NY 10174
Phone: (212) 702-6771
Email: james.rodgers@clydeco.us